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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

TESLA, INC., a Delaware corporation,

Plaintiff,

v.

MARTIN TRIPP, an individual,

Defendant.

AND RELATED COUNTERCLAIM

Case No.: 3:18-cv-00296-LRH-CBC

**JOINT CASE MANAGEMENT REPORT**

1 Plaintiff and Counter-Defendant Tesla, Inc. (“Tesla”) and Defendant and Counter-Plaintiff  
2 Martin Tripp (“Mr. Tripp”) hereby submit the following joint case management report.

3 1. Depositions. Since the case management conference on December 3, 2018, the  
4 parties have agreed to take Mr. Tripp’s deposition at his counsel’s office in Phoenix, Arizona.  
5 Mr. Tripp withdrew Andrea Szikszai from his witness disclosures. Accordingly, Tesla does not  
6 anticipate taking Ms. Szikszai’s deposition at this time. Although the parties have been working  
7 cooperatively to schedule remaining depositions, finding dates to accommodate counsel and  
8 witnesses has been a challenge. Among other things, counsel for Tesla have been unable to locate  
9 and serve two third parties identified on Mr. Tripp’s witness disclosures. In addition, Mr. Tripp  
10 seeks to depose a Tesla representative on several matters pursuant to Rule 30(b)(6) of the Federal  
11 Rules of Civil Procedure (the “Rules”), which will require Tesla to designate three different  
12 individuals to be deposed. Mr. Tripp also seeks to depose multiple other current and former Tesla  
13 employees, one of whom is currently on a leave of absence and is not expected to return until  
14 shortly before the current discovery cutoff. To allow for the taking of remaining depositions, the  
15 parties have agreed to extend the discovery cutoff by approximately ninety (90) days to June 10,  
16 2019 and have filed a Stipulation and Proposed Modification to Scheduling Order (ECF No. 62)  
17 with the Court. The parties do not anticipate requesting further modification to the Discovery Plan  
18 and Scheduling Order.

19 With respect to Elon Musk, the parties provide the following separate statements:

20 Mr. Tripp’s Statement. Mr. Tripp still fully intends to take the deposition of Elon Musk and  
21 has conducted some initial discovery as directed by the Court on December 3, 2018. In the interim,  
22 Mr. Tripp has requested that Tesla tentatively identify a date and location for scheduling and  
23 noticing Mr. Musk’s deposition, but Tesla has refused to provide such information. As to the  
24 “apex” witness doctrine, Mr. Tripp previously explained how that doctrine has been consistently  
25 rejected by the United States District Court, District of Nevada. Further, even if that doctrine had  
26 been previously applied in Nevada, it is inapplicable here due to Mr. Musk’s direct involvement in  
27 the allegedly harmful conduct.  
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